

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**BRANDON LEROSS BAILEY**  
**aka BRANDON L. BAILEY**  
**2950 Yarling Ct**  
**Falls Church, VA 22042**

**Registered Nurse License No. 571091**

Respondent

Case No. 2012- 211

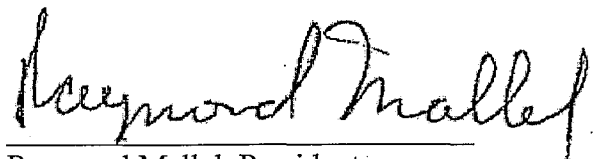
OAH No. 2011120265

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **January 4, 2013.**

IT IS SO ORDERED **December 5, 2012.**



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
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7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-211

13 **BRANDON LEROSS BAILEY**

OAH No. 2011120265

14 **2950 Yarling Ct,**  
**Falls Church, VA 22042**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 **Registered Nurse License No. 571091**

16 **Respondent.**

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:  
20

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the  
23 Board of Registered Nursing. She brought this action solely in her official capacity and is  
24 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
25 Kent D. Harris, Deputy Attorney General.

26 2. Respondent Brandon Leross Bailey (Respondent) is represented in this proceeding by  
27 attorney Mary McIntyre, whose address is: McIntyre & Barns, 2200 Sixth Avenue, Suite 925  
28 Seattle WA 98121-1829.

3. On or about August 28, 2000, the Board of Registered Nursing issued Registered Nurse License No. 571091 to Brandon Leross Bailey (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-211.

## JURISDICTION

4. Accusation No. 2012-211 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 5, 2011. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 2012-211 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2012-211. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-211.

10. Respondent agrees that his Registered Nurse License is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

## CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that electronic or facsimile copies of this Stipulated Settlement and Disciplinary Order, including electronic or facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:



1           **4. Residency, Practice, or Licensure Outside of State.** Periods of residency or  
2 practice as a registered nurse outside of California shall not apply toward a reduction of this  
3 probation time period. Respondent's probation is tolled, if and when he resides outside of  
4 California. Respondent must provide written notice to the Board within 15 days of any change of  
5 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
6 returning to practice in this state.

7           Respondent shall provide a list of all states and territories where he has ever been licensed  
8 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
9 information regarding the status of each license and any changes in such license status during the  
10 term of probation. Respondent shall inform the Board if he applies for or obtains a new nursing  
11 license during the term of probation.

12           **5. Submit Written Reports.** Respondent, during the period of probation, shall submit  
13 or cause to be submitted such written reports/declarations and verification of actions under  
14 penalty of perjury, as required by the Board. These reports/declarations shall contain statements  
15 relative to Respondent's compliance with all the conditions of the Board's Probation Program.  
16 Respondent shall immediately execute all release of information forms as may be required by the  
17 Board or its representatives.

18           Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
19 state and territory in which he has a registered nurse license.

20           **6. Function as a Registered Nurse.** Respondent, during the period of probation, shall  
21 engage in the practice of registered nursing in California for a minimum of 24 hours per week for  
22 6 consecutive months or as determined by the Board.

23           For purposes of compliance with the section, "engage in the practice of registered nursing"  
24 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
25 non-direct patient care position that requires licensure as a registered nurse.

26           The Board may require that advanced practice nurses engage in advanced practice nursing  
27 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

28           If Respondent has not complied with this condition during the probationary term, and

1 Respondent has presented sufficient documentation of his good faith efforts to comply with this  
2 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
3 extension of Respondent's probation period up to one year without further hearing in order to  
4 comply with this condition. During the one year extension, all original conditions of probation  
5 shall apply.

6       **7. Employment Approval and Reporting Requirements.** Respondent shall obtain  
7 prior approval from the Board before commencing or continuing any employment, paid or  
8 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
9 performance evaluations and other employment related reports as a registered nurse upon request  
10 of the Board.

11       Respondent shall provide a copy of this Decision to his employer and immediate  
12 supervisors prior to commencement of any nursing or other health care related employment.

13       In addition to the above, Respondent shall notify the Board in writing within seventy-two  
14 (72) hours after he obtains any nursing or other health care related employment. Respondent  
15 shall notify the Board in writing within seventy-two (72) hours after he is terminated or separated,  
16 regardless of cause, from any nursing, or other health care related employment with a full  
17 explanation of the circumstances surrounding the termination or separation.

18       **8. Supervision.** Respondent shall obtain prior approval from the Board regarding  
19 Respondent's level of supervision and/or collaboration before commencing or continuing any  
20 employment as a registered nurse, or education and training that includes patient care.

21       Respondent shall practice only under the direct supervision of a registered nurse in good  
22 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods  
23 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
24 approved.

25       Respondent's level of supervision and/or collaboration may include, but is not limited to the  
26 following:

27       (a) Maximum - The individual providing supervision and/or collaboration is present in  
28 the patient care area or in any other work setting at all times.

1 (b) Moderate - The individual providing supervision and/or collaboration is in the patient  
2 care unit or in any other work setting at least half the hours Respondent works.

3 (c) Minimum - The individual providing supervision and/or collaboration has person-to-  
4 person communication with Respondent at least twice during each shift worked.

5 (d) Home Health Care - If Respondent is approved to work in the home health care  
6 setting, the individual providing supervision and/or collaboration shall have person-to-person  
7 communication with Respondent as required by the Board each work day. Respondent shall  
8 maintain telephone or other telecommunication contact with the individual providing supervision  
9 and/or collaboration as required by the Board during each work day. The individual providing  
10 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
11 patients' homes visited by Respondent with or without Respondent present.

12 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any  
13 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,  
14 or for an in-house nursing pool.

15 Respondent shall not work for a licensed home health agency as a visiting nurse unless the  
16 registered nursing supervision and other protections for home visits have been approved by the  
17 Board. Respondent shall not work in any other registered nursing occupation where home visits  
18 are required.

19 Respondent shall not work in any health care setting as a supervisor of registered nurses.  
20 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
21 and/or unlicensed assistive personnel on a case-by-case basis.

22 Respondent shall not work as a faculty member in an approved school of nursing or as an  
23 instructor in a Board approved continuing education program.

24 Respondent shall work only on a regularly assigned, identified and predetermined  
25 worksite(s) and shall not work in a float capacity.

26 If Respondent is working or intends to work in excess of 40 hours per week, the Board may  
27 request documentation to determine whether there should be restrictions on the hours of work.  
28



1       10. **Complete a Nursing Course(s).** Respondent, at his own expense, shall enroll and  
2 successfully complete a course(s) relevant to the practice of registered nursing no later than six  
3 months prior to the end of his probationary term.

4       Respondent shall obtain prior approval from the Board before enrolling in the course(s).  
5 Respondent shall submit to the Board the original transcripts or certificates of completion for the  
6 above required course(s). The Board shall return the original documents to Respondent after  
7 photocopying them for its records.

8       11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its  
9 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the  
10 amount of \$1,345.00. Respondent shall be permitted to pay these costs in a payment plan  
11 approved by the Board, with payments to be completed no later than three months prior to the end  
12 of the probation term.

13       If Respondent has not complied with this condition during the probationary term, and  
14 Respondent has presented sufficient documentation of his good faith efforts to comply with this  
15 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
16 extension of Respondent's probation period up to one year without further hearing in order to  
17 comply with this condition. During the one year extension, all original conditions of probation  
18 will apply.

19       12. **Violation of Probation.** If Respondent violates the conditions of his probation, the  
20 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order  
21 and impose the stayed discipline (revocation/suspension) of Respondent's license.

22       If during the period of probation, an accusation or petition to revoke probation has been  
23 filed against Respondent's license or the Attorney General's Office has been requested to prepare  
24 an accusation or petition to revoke probation against Respondent's license, the probationary  
25 period shall automatically be extended and shall not expire until the accusation or petition has  
26 been acted upon by the Board.

27       13. **License Surrender.** During Respondent's term of probation, if he ceases practicing  
28 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,

1 Respondent may surrender his license to the Board. The Board reserves the right to evaluate  
2 Respondent's request and to exercise its discretion whether to grant the request, or to take any  
3 other action deemed appropriate and reasonable under the circumstances, without further hearing.  
4 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be  
5 subject to the conditions of probation.

6 Surrender of Respondent's license shall be considered a disciplinary action and shall  
7 become a part of Respondent's license history with the Board. A registered nurse whose license  
8 has been surrendered may petition the Board for reinstatement no sooner than the following  
9 minimum periods from the effective date of the disciplinary decision:

10 (1) Two years for reinstatement of a license that was surrendered for any reason other  
11 than a mental or physical illness; or

12 (2) One year for a license surrendered for a mental or physical illness.

13 14. **Physical Examination.** Within 45 days of the effective date of this Decision,  
14 Respondent, at his expense, shall have a licensed physician, nurse practitioner, or physician  
15 assistant, who is approved by the Board before the assessment is performed, submit an  
16 assessment of the Respondent's physical condition and capability to perform the duties of a  
17 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
18 medically determined, a recommended treatment program will be instituted and followed by the  
19 Respondent with the physician, nurse practitioner, or physician assistant providing written reports  
20 to the Board on forms provided by the Board.

21 If Respondent is determined to be unable to practice safely as a registered nurse, the  
22 licensed physician, nurse practitioner, or physician assistant making this determination shall  
23 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
24 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall  
25 immediately cease practice and shall not resume practice until notified by the Board. During this  
26 period of suspension, Respondent shall not engage in any practice for which a license issued by  
27 the Board is required until the Board has notified Respondent that a medical determination  
28 permits Respondent to resume practice. This period of suspension will not apply to the reduction

1 of this probationary time period.

2 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
3 requirement, Respondent shall immediately cease practice and shall not resume practice until  
4 notified by the Board. This period of suspension will not apply to the reduction of this  
5 probationary time period. The Board may waive or postpone this suspension only if significant,  
6 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
7 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
8 Only one such waiver or extension may be permitted.

9 **15. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

10 Respondent, at his expense, shall successfully complete during the probationary period or shall  
11 have successfully completed prior to commencement of probation a Board-approved  
12 treatment/rehabilitation program of at least six months duration. As required, reports shall be  
13 submitted by the program on forms provided by the Board. If Respondent has not completed a  
14 Board-approved treatment/rehabilitation program prior to commencement of probation,  
15 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.  
16 If a program is not successfully completed within the first nine months of probation, the Board  
17 shall consider Respondent in violation of probation.

18 Based on Board recommendation, each week Respondent shall be required to attend at least  
19 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,  
20 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.  
21 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be  
22 added. Respondent shall submit dated and signed documentation confirming such attendance to  
23 the Board during the entire period of probation. Respondent shall continue with the recovery plan  
24 recommended by the treatment/rehabilitation program or a licensed mental health examiner  
25 and/or other ongoing recovery groups.

26 **16. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall  
27 completely abstain from the possession, injection or consumption by any route of all controlled  
28 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same

1 are ordered by a health care professional legally authorized to do so as part of documented  
2 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)  
3 days, by the prescribing health professional, a report identifying the medication, dosage, the date  
4 the medication was prescribed, the Respondent's prognosis, the date the medication will no  
5 longer be required, and the effect on the recovery plan, if appropriate.

6 Respondent shall identify for the Board a single physician, nurse practitioner or physician  
7 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and  
8 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-  
9 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report  
10 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances  
11 considered addictive have been prescribed, the report shall identify a program for the time limited  
12 use of any such substances.

13 The Board may require the single coordinating physician, nurse practitioner, or physician  
14 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive  
15 medicine.

16 17. **Submit to Tests and Samples.** Respondent, at his expense, shall participate in a  
17 random, biological fluid testing or a drug screening program which the Board approves. The  
18 length of time and frequency will be subject to approval by the Board. Respondent is responsible  
19 for keeping the Board informed of Respondent's current telephone number at all times.  
20 Respondent shall also ensure that messages may be left at the telephone number when he is not  
21 available and ensure that reports are submitted directly by the testing agency to the Board, as  
22 directed. Any confirmed positive finding shall be reported immediately to the Board by the  
23 program and Respondent shall be considered in violation of probation.

24 In addition, Respondent, at any time during the period of probation, shall fully cooperate  
25 with the Board or any of its representatives, and shall, when requested, submit to such tests and  
26 samples as the Board or its representatives may require for the detection of alcohol, narcotics,  
27 hypnotics, dangerous drugs, or other controlled substances.

28 If Respondent has a positive drug screen for any substance not legally authorized and not

1 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board  
2 files a petition to revoke probation or an accusation, the Board may suspend Respondent from  
3 practice pending the final decision on the petition to revoke probation or the accusation. This  
4 period of suspension will not apply to the reduction of this probationary time period.

5 If Respondent fails to participate in a random, biological fluid testing or drug screening  
6 program within the specified time frame, Respondent shall immediately cease practice and shall  
7 not resume practice until notified by the Board. After taking into account documented evidence  
8 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may  
9 suspend Respondent from practice pending the final decision on the petition to revoke probation  
10 or the accusation. This period of suspension will not apply to the reduction of this probationary  
11 time period.

12 18. **Mental Health Examination.** Respondent shall, within 45 days of the effective date  
13 of this Decision, have a mental health examination including psychological testing as appropriate  
14 to determine his capability to perform the duties of a registered nurse. The examination will be  
15 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by  
16 the Board. The examining mental health practitioner will submit a written report of that  
17 assessment and recommendations to the Board. All costs are the responsibility of Respondent.  
18 Recommendations for treatment, therapy or counseling made as a result of the mental health  
19 examination will be instituted and followed by Respondent.

20 If Respondent is determined to be unable to practice safely as a registered nurse, the  
21 licensed mental health care practitioner making this determination shall immediately notify the  
22 Board and Respondent by telephone, and the Board shall request that the Attorney General's  
23 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
24 practice and may not resume practice until notified by the Board. During this period of  
25 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
26 is required, until the Board has notified Respondent that a mental health determination permits  
27 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
28 probationary time period.

1 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
2 requirement, Respondent shall immediately cease practice and shall not resume practice until  
3 notified by the Board. This period of suspension will not apply to the reduction of this  
4 probationary time period. The Board may waive or postpone this suspension only if significant,  
5 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
6 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
7 Only one such waiver or extension may be permitted.

8 19. **Therapy or Counseling Program.** Respondent, at his expense, shall participate in  
9 an on-going counseling program until such time as the Board releases him from this requirement  
10 and only upon the recommendation of the counselor. Written progress reports from the counselor  
11 will be required at various intervals.

12 ACCEPTANCE

13 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
14 discussed it with my attorney, Mary McIntyre. I understand the stipulation and the effect it will  
15 have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary  
16 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order  
17 of the Board of Registered Nursing.

18  
19 DATED: 29 Jun 12 BR 2012  
20 BRANDON LEROSS BAILEY  
21 Respondent

22 I have read and fully discussed with Respondent Brandon Leross Bailey the terms and  
23 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
24 I approve its form and content.

25 DATED: 6-30-2012 [Signature]  
26 Mary McIntyre  
27 Attorney for Respondent  
28

ENDORSEMENT

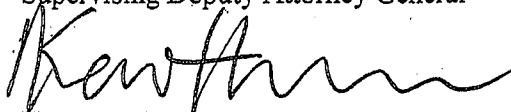
The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated:

7/2/12

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
JANICE K. LACHMAN  
Supervising Deputy Attorney General

  
KENT D. HARRIS  
Deputy Attorney General  
*Attorneys for Complainant*

SA2011101234  
Stipulation.rtf

**Exhibit A**

**Accusation No. 2012-211**



1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 KENT D. HARRIS  
Deputy Attorney General  
4 State Bar No. 144804  
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Sacramento, CA 94244-2550  
6 Telephone: (916) 324-7859  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2012-211

12 **BRANDON LERROSS BAILEY,**  
13 **aka BRANDON L. BAILEY**  
11839 Federalist Way, Apt. 13  
14 **Fairfax, VA 22030**  
**Registered Nurse License No. 571091**

**ACCUSATION**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
21 Department of Consumer Affairs.

22 2. On or about August 28, 2000, the Board issued Registered Nurse License Number  
23 571091 to Brandon Leross Bailey, also known as Brandon L. Bailey ("Respondent").  
24 Respondent's registered nurse license was in full force and effect at all times relevant to the  
25 charges brought herein and will expire on October 31, 2011, unless renewed.

26 **STATUTORY PROVISIONS**

27 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that  
28 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing  
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not  
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or  
5 to render a decision imposing discipline on the license.

6 5. Code section 2761 states, in pertinent part:

7 The board may take disciplinary action against a certified or licensed  
8 nurse or deny an application for a certificate or license for any of the following:

9 (a) Unprofessional conduct . . .

10 . . . . .  
11 (4) Denial of licensure, revocation, suspension, restriction, or any other  
12 disciplinary action against a health care professional license or certificate by another  
13 state or territory of the United States, by any other government agency, or by another  
14 California health care professional licensing board. A certified copy of the decision  
15 or judgment shall be conclusive evidence of that action . . .

#### 14 **COST RECOVERY**

15 6. Code section 125.3 provides, in pertinent part, that the Board may request the  
16 administrative law judge to direct a licensee found to have committed a violation or violations of  
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
18 enforcement of the case.

#### 19 **CAUSE FOR DISCIPLINE**

##### 20 **(Disciplinary Action by the Virginia Department of Health Professions)**

21 7. Respondent is subject to disciplinary action pursuant to Code section 2761,  
22 subdivision (a)(4), on the grounds of unprofessional conduct, in that he was disciplined by the  
23 Virginia Department of Health Professions ("Department"), as follows: On or about March 8,  
24 2011, pursuant to the Order in the disciplinary proceeding titled "In re: Brandon Leross Bailey,  
25 R.N.", the Department suspended Respondent's license to practice nursing in the Commonwealth  
26 of Virginia based on his conviction by General Court-Martial, as follows: On July 14, 2010,  
27 Respondent was convicted by a General Court Martial of the United States Air Force at Shaw Air  
28 Force Base, South Carolina, of, among other things, wrongfully using Schedule II controlled

1 substances, including Meperidine (Demerol), Morphine, and Oxycodone, and the Schedule IV  
2 controlled substance Lorazepam; and wrongfully possessing Schedule II controlled substances,  
3 including Meperidine, Morphine, and Oxycodone/Acetaminophen, and Schedule IV controlled  
4 substances, including Diazepam and Phenobarbital (Luminal). The incidents occurred on and  
5 between September 20, 2008, and October 20, 2008, at or near Joint Base Balad, Iraq.  
6 Respondent was sentenced to three months confinement and dismissal from the Air Force. A true  
7 and correct copy of the Department's Order is attached as exhibit A and incorporated herein by  
8 reference.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
11 and that following the hearing, the Board of Registered Nursing issue a decision:

- 12 1. Revoking or suspending Registered Nurse License Number 571091, issued to  
13 Brandon Leross Bailey, also known as Brandon L. Bailey;  
14 2. Ordering Brandon Leross Bailey, also known as Brandon L. Bailey, to pay the Board  
15 of Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
16 pursuant to Business and Professions Code section 125.3;  
17 3. Taking such other and further action as deemed necessary and proper.

18  
19 DATED: October 5, 2011

20 *for* *Louise R. Bailey*  
21 LOUISE R. BAILEY, M.ED., RN  
22 Executive Officer  
23 Board of Registered Nursing  
24 Department of Consumer Affairs  
25 State of California  
26 Complainant  
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**EXHIBIT A**

**Order by the Virginia Department of Health Professions**



RECEIVED  
MAR 08 2011

VA BD OF NURSING

COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.  
Director

Department of Health Professions  
Perimeter Center  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1483

www.dhp.virginia.gov  
TEL (804) 367-4400  
FAX (804) 527-4475

March 8, 2011

Brandon Leross Bailey  
11830 Federal Way, #13  
Fairfax, VA 22030

RE: License No.: 0001-195504

CERTIFIED MAIL

**DUPLICATE COPY  
VIA FIRST CLASS MAIL**

DATE 3/8/11

Dear Mr. Bailey:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered March 8, 2011. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Board of Nursing at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

Sincerely,

Dianne L. Reynolds-Cane, M.D., Director  
Department of Health Professions

Enclosures  
Case # 136922

Board of Audiology & Speech-Language Pathology - Board of Counseling - Board of Dentistry - Board of Funeral Directors & Embalmers  
Board of Long-Term Care Administrators - Board of Medicine - Board of Nursing - Board of Optometry - Board of Pharmacy  
Board of Physical Therapy - Board of Psychology - Board of Social Work - Board of Veterinary Medicine  
Board of Health Professions

**VIRGINIA:**

**BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE:      BRANDON LEROSS BAILEY, R.N.**  
**License No.: 0001-195504**

**ORDER**

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Dianne L. Reynolds-Cane, M.D., Director of the Virginia Department of Health Professions, received and acted upon evidence that Brandon Leross Bailey, R.N., was convicted of a felony charge by a General Court Martial of the United States Air Force at the Shaw Air Force Base, South Carolina, to wit:

1. That between on or about September 20, 2008, and on or about October 20, 2008, at or near Joint Base Balad, Iraq did wrongfully use Schedule II controlled substances to include Meperidine (brand name Demerol), Morphine and Oxycodone, while receiving special pay under 37 U.S.C. § 310;
2. That between on or about September 20, 2008, and on or about October 20, 2008, at or near Joint Base Balad, Iraq did wrongfully use Lorazepam, a Schedule IV controlled substance, while receiving pay under 37 U.S.C. § 310;
3. That between on or about October 19, 2008, and on or about October 20, 2008, at or near Joint Base Balad, Iraq did wrongfully possess some amount of Schedule II controlled substances to include Meperidine (brand name Demerol), Morphine and Oxycodone/Acetaminophen, while receiving special pay under 37 U.S.C. § 310; and

Brandon Leross Bailey, R.N. – Mandatory Suspension

4. That between on or about October 19, 2008, and on or about October 20, 2008, at or near Joint Base Balad, Iraq did wrongfully possess some amount of Schedule IV controlled substances to include Diazepam and Phenobarbital (brand name Luminal), while receiving special pay under 37 U.S.C. § 310.

A certified copy of the Report of Result of Trial (with attachment) is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Brandon Leross Bailey, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, suspended.

Upon entry of this Order, the license of Brandon Leross Bailey, R.N., will be recorded as suspended and no longer current. Should Mr. Bailey seek reinstatement of his license pursuant to Section 54.1-2409 of the Code, he shall be responsible for any fees that may be required for the reinstatement and renewal of his license prior to issuance of his license to resume practice.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

*D. Reynolds-Cane MD*

Dianne L. Reynolds-Cane, M.D., Director  
Department of Health Professions

**Certified True Copy**

By *Russell Blanton*  
Virginia Board of Nursing

ENTERED: \_\_\_\_\_

3-8-11



# COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.  
Director

Department of Health Professions  
Perimeter Center  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

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FAX (804) 527-4475

## CERTIFICATION OF DUPLICATE RECORDS

I, Dianne L. Reynolds-Cane, M.D., Director of the Department of Health Professions, hereby certify that the attached Report of Result of Trial (with attachment) dated July 14, 2010, regarding Brandon Leross Bailey, R.N., is a true copy of the records received from the Department of the United States Air Force, Shaw Air Force Base, South Carolina.

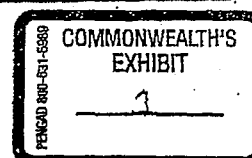
D. Reynolds-Cane MD Date: 3-8-11  
Dianne L. Reynolds-Cane, M.D.



REPORT OF RESULT OF TRIAL <small>(This form may also be used for reporting the result of trial by summary court -martial)</small>		DATE	
		20100714	
TO: (Address to immediate commander of accused) United States Air Forces Central Commander (USAFCENT) Shaw Air Force Base, South Carolina 29152			
NOTIFICATION UNDER R.C.M. 1101(a) IS HEREBY GIVEN IN THE CASE OF:			
NAME (Last, First, Middle Initial) Bailey, Brandon L.		GRADE O-4	SSN 424-98-6091
ORGANIZATION 332d Expeditionary Operations Support Squadron (ACC)		TYPE OF COURT	
		<input checked="" type="checkbox"/> GENERAL <input checked="" type="checkbox"/> JUDGE ALONE	<input type="checkbox"/> SPECIAL <input type="checkbox"/> JUDGE ALONE <input type="checkbox"/> SUMMARY
SUMMARY OF CHARGES, SPECIFICATIONS, PLEAS AND FINDINGS			
UCMJ ARTICLE	NATURE OF OFFENSE	PLEAS	FINDINGS
CHARGE I: Article 112a		Guilty	Guilty
Specification 1:	Did, at or near Joint Base Balad, Iraq, between on or about 20 September 2008 and on or about 20 October 2008, wrongfully use Meperidine (brand name Demerol), a Schedule II controlled substance, while receiving special pay under 37 U.S.C. § 310.	Guilty	Guilty
Specification 2:	Did, at or near Joint Base Balad, Iraq, between on or about 20 September 2008 and on or about 20 October 2008, wrongfully use Morphine, a Schedule II controlled substance, while receiving special pay under 37 U.S.C. § 310.	Guilty	Guilty
Specification 3:	Did, at or near Joint Base Balad, Iraq, between on or about 20 September 2008 and on or about 20 October 2008, wrongfully use Oxycodone, a Schedule II controlled substance, while receiving special pay under 37 U.S.C. § 310.	Guilty	Guilty
SENTENCE			
DNA processing required (10 U.S.C. § 1565)			
Confinement for 3 months and a dismissal.			
(PTA Cap. of 6 months confinement with a dismissal or 9 months confinement with no dismissal.)			
PRETRIAL CONFINEMENT CREDIT (including military and civilian confinement) (In days)			
0 days			
DATE SENTENCE ADJUDGED (Or acquittal announced)			
20100714			
DISTRIBUTION (Prescribed by convening authority)		(CHECK ONE)	
1 - 20 FW/CC 1 - 20 FW/JA 1 - 20 SFS/SFOC 1 - DET 212 AFOSI 1 - 9 AF/JA 1 - ADC 1 - 20 FSS/FSMPD 2 - 20 CPTS/PMF 1 - CENTRAL DOCKETING OFFICE (CDO) 1 - ACC/JA		<input checked="" type="checkbox"/> TRIAL COUNSEL	
		<input type="checkbox"/> SUMMARY COURT OFFICER	
		DETAILED BY	
		DAVID A. WHITEFORD, Lt Col, USAF	
		TYPED NAME AND GRADE	
		TIFFANY J. WILLIAMS, Capt, USAF	
		SIGNATURE	
		<i>Tiffany J. Williams</i>	

AF 1359, 2000-1101 (IMT-V1)

PREVIOUS EDITIONS ARE OBSOLETE



Attachment 1, AF Form 1359, Report of Result of Trial, Major Brandon L. Bailey,  
SSN 424-98-6091, dated 14 July 2010.

SUMMARY OF CHARGES, SPECIFICATIONS, PLEAS AND FINDINGS

CHARGE I: Article 112a		Guilty	Guilty
Specification 4:	Did, at or near Joint Base Balad, Iraq, between on or about 20 September 2008 and on or about 20 October 2008, wrongfully use Lorazepam, a Schedule IV controlled substance, while receiving special pay under 37 U.S.C § 310.	Guilty	Guilty
Specification 5:	Did, at or near Joint Base Balad, Iraq, between on or about 19 October 2008 and on or about 20 October 2008, wrongfully possess some amount of Meperidine (brand name Demerol), a Schedule II controlled substance, while receiving special pay under 37 U.S.C § 310.	Guilty	Guilty
Specification 6:	Did, at or near Joint Base Balad, Iraq, between on or about 19 October 2008 and on or about 20 October 2008, wrongfully possess some amount of Morphine Sulfate, a Schedule II controlled substance, while receiving special pay under 37 U.S.C § 310.	Guilty	Guilty
Specification 7:	Did, at or near Joint Base Balad, Iraq, between on or about 19 October 2008 and on or about 20 October 2008, wrongfully possess some amount of Oxycodone / Acetaminophen, a Schedule II controlled substance, while receiving special pay under 37 U.S.C § 310.	Guilty	Guilty
Specification 8:	Did, at or near Joint Base Balad, Iraq, between on or about 19 October 2008 and on or about 20 October 2008, wrongfully possess some amount of Diazepam, a Schedule IV controlled substance, while receiving special pay under 37 U.S.C § 310.	Guilty	Guilty

Attachment 1, AF Form 1359, Report of Result of Trial, Major Brandon L. Bailey,  
SSN 424-98-6091, dated 14 July 2010.

**SUMMARY OF CHARGES, SPECIFICATIONS, PLEAS AND FINDINGS**

Specification 9:	Did, at or near Joint Base Balad, Iraq, between on or about 19 October 2008 and on or about 20 October 2008, wrongfully possess some amount of Phenobarbital (brand name Luminal), a Schedule IV controlled substance, while receiving special pay under 37 U.S.C § 310.	Guilty	Guilty
 <b>CHARGE II:</b> Article 121		Guilty	Guilty
Specification 1:	Did, at or near Joint Base Balad, Iraq, between on or about 19 October 2008 and on or about 20 October 2008, wrongfully steal an "Aero Med Evac Box" containing Diazepam, Oxycodone / Acetaminophen, Morphine Sulfate, Meperidine (brand name Demerol), Phenobarbital (brand name Luminal), and other medical supplies, military property, of a value less than \$500.00, the property of the 332d Expeditionary Medical Support Squadron.	Guilty excepting the words "steal," substituting therefor "appropriate" and excepting the words "the property of the 332d Expeditionary Medical Support Squadron," substituting therefor the words "the property of the United States Air Force." Of the excepted words NOT GUILTY.	Guilty
Specification 2:	Did, at or near Joint Base Balad, Iraq, between on or about 3 September 2008 and on or about 20 October 2008; wrongfully steal Promethazine (brand name Phenergan), military property, of a value less than \$500.00, the property of the 332d Expeditionary Medical Support Squadron.	Guilty, excepting the words "the property of the 332d Expeditionary Medical Support Squadron," substituting therefor the words "the property of the United States Air Force." Of the excepted words NOT GUILTY.	Guilty